

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

DARRYL ASHMORE,

Plaintiff,

Case No.: 9:16-cv-81710-KAM

v.

NFL PLAYER DISABILITY AND
NEUROCOGNITIVE BENEFIT PLAN,

Defendant.

PLAINTIFF'S UNOPPOSED MOTION TO CONTINUE
SUMMARY JUDGMENT DEADLINE

Plaintiff, Darryl Ashmore, moves for an order continuing by 30 days the deadline for filing motions for summary judgement.¹ In support thereof Plaintiff states the following:

1. This is an ERISA-governed action for disability benefits. Such actions are typically adjudicated on cross-motions for summary judgment.
2. Pursuant to the Court's scheduling order (DE 13), the current deadline for filing substantive pretrial motions, including summary judgment motions, is September 29, 2017.
3. Mindful of this Court's meet and confer requirement, counsels for both parties worked diligently to resolve discovery disputes, but certain issues required the Court's intervention. Thus, Plaintiff filed a Motion to Compel [DE 25] on July 25, 2017.

¹ This motion is accompanied by a proposed order pursuant to Local Rule 7.1(a)(2)

4. Pursuant to the Court's Order Setting Hearing, both parties attended a hearing in front of United States Magistrate Judge William Matthewman on August 31, 2017, pertaining to Plaintiff's Motion to Compel.

5. The parties continue to await the Court's ruling on Plaintiff's Motion to Compel.

6. As a result of the effects of Hurricane Irma, Plaintiff's counsel's office was closed for over a week and re-opened on September 15, 2017, with limited functionality.

7. Court closures in response to Hurricane Irma understandably may have caused delay in Judge Matthewman's decision pertaining to the ongoing discovery dispute.

8. Extending the deadline for summary judgment motions by 30 days – to October 30, 2017 – would allow the parties adequate time to prepare summary judgment motions after the Court's discovery ruling.

9. Pursuant to Local Rule 7.1(a)(3), undersigned counsel conferred with counsel for Defendant and Defendant does not oppose the relief sought herein.

10. No party would be prejudiced if the relief sought herein is granted, and no other deadline would be affected since the case is likely to be decided on cross-motions for summary judgment.

11. The foregoing constitutes good cause for the relief requested herein.

WHEREFORE, the parties respectfully request an order extending by 30 days the deadline for filing motions for summary judgment.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 20, 2017, I electronically filed the foregoing Motion with the Clerk of Court by using the CM/ECF system, which will, in turn, send a notice of electronic filing to Defendant's attorneys:

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